

Douglas V. Sanchez, Esq. (DS1565)
CRUSER, MITCHELL, NOVITZ, SANCHEZ, GASTON & ZIMET, LLP
Mack Cali Corporate Center
50 Tice Boulevard, Suite 250
Woodcliff Lake, New Jersey 07677
201-474-7100
Attorneys for Defendant,
Costco Wholesale Corporation

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KONSTANTINOS LAPPAS, an individual,

Plaintiff,

v.

COSTCO WHOLESALE CORP., a business
entity; and JOHN DOES (1-5), fictitiously named
individuals; ABC CORPS (1-5), fictitiously
named business entities,

Defendants.

CIVIL ACTION NO.

PETITION FOR REMOVAL

Petitioner Costco Wholesale Corp. (“Costco”), by its attorneys, Cruser, Mitchell, Novitz, Sanchez, Gaston & Zimet, LLP, respectfully petitions the United States District Court for the District of New Jersey as follows:

1. This case was commenced on August 30, 2022 when Plaintiff Konstantinos Lappas (“Plaintiff”) filed a Complaint in the Superior Court of New Jersey, Law Division, Union Vicinage, captioned Konstantinos Lappas v. Costco Wholesale Corp., et al., Docket Number UNN-L-2539-22 (the “State Court Action”). A true and accurate copy of Plaintiff’s Complaint is attached hereto as **Exhibit A**.

2. Costco first received a copy of the Complaint on or about September 10, 2022 when it was served upon Costco’s designated agent in New Jersey.

3. The filing of this Petition for Removal is timely because it is filed within 30 days of the date Costco received a copy of the Complaint and notice of this lawsuit. See 28 U.S.C. § 1446(b)(1).

4. Plaintiff's Complaint, filed in the Superior Court of New Jersey, Law Division, Union Vicinage, asserts damages of a non-specified amount. Plaintiff alleges that Costco was negligent for permitting packaging material to conceal a tripping hazard on pallets holding cases of water to exist on the premises, causing Plaintiff to slip and fall as a result of the premises' physical condition. This office has conferred with Plaintiff's counsel, whose settlement demand for Plaintiff's alleged injuries—including a right wrist fracture—exceeds \$75,000. As such, Costco reasonably believes the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Based on the allegations in the Complaint, Plaintiff is an adult individual and a citizen of the State of New Jersey. Costco is a Washington corporation maintaining its principal place of business at 999 Lake Drive, Issaquah, Washington 98027. As such, this action is between a citizen and a corporation of diverse states. See 28 U.S.C. § 1332(a)(1); 28 U.S.C. § 1332(c)(1).

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1446(a) because the United States District Court for the District of New Jersey is the federal judicial district embracing the Superior Court of New Jersey, Law Division, Union Vicinage, where the State Court Action was originally filed.

7. Accordingly, this action is removable to the United States District Court for the District of New Jersey pursuant to 28 U.S.C. § 1441.

8. Pursuant to 28 U.S.C. § 1446(a), true and accurate copies of all process, pleadings, orders, and documents from the State Court Action served upon Costco are being filed with this Petition for Removal and are attached hereto as **Exhibit B**. Costco will file true and legible copies

of all other documents on file in the State Court Action within 30 days of the filing of this Petition for Removal.

WHEREFORE, Costco respectfully requests that this Court accept removal of this action from the Superior Court of New Jersey, Law Division, Union Vicinage, Docket Number UNN-L-2539-22, to the United States District Court for the District of New Jersey.



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**CRUSER, MITCHELL, NOVITZ, SANCHEZ,
GASTON & ZIMET, LLP**
Mack-Cali Corporate Center
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Woodcliff Lake, New Jersey 07677
(201) 474-7100

Dated: September 23, 2022

I certify that a true and accurate copy of the Complaint filed in the Superior Court of New Jersey, Law Division, Union Vicinage, along with a copy of the Summons issued to this Defendant, is annexed hereto as **Exhibit A**.



Douglas V. Sanchez, Esq.